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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/629,264

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Johannes Maier

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WOMBLE CARLYLE SANDRIDGE & RICE
P.O. Box 7037
Atlanta, GA 30357-0037

EXAMINER

STOKELY-COLLINS, JASMINE N

ART UNIT

PAPER NUMBER

4178

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DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/629,264	Applicant(s) MAIER, JOHANNES	
	Examiner JASMINE STOKELY-COLLINS	Art Unit 4178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>See Continuation Sheet</u> . | 6) <input type="checkbox"/> Other: ____. |

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :7/29/2003 and 9/12/2005(duplicate).

DETAILED ACTION

Abstract

1. The abstract of the disclosure is objected to because it exceeds the 150 word limit and contains legal phraseology such as "comprising" and "wherein". Correction is required. See MPEP § 608.01(b).

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Specification

3. The disclosure is objected to because of the following informalities: The specification lacks a brief description of the drawings.

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

(a) TITLE OF THE INVENTION.

(b) CROSS-REFERENCE TO RELATED APPLICATIONS.

- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

Appropriate correction is required.

Drawings

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 32. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

5. The drawings are objected to under 37 CFR 1.83(a) because they fail to show receiving unit 33 as described in page 6 of the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

6. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character “48” has been used to designate both a path and useful

data according to page 7 of the specification. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-10 and 12-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Thibadeau et al (US 5,565,909 A).

Regarding claim 1, Thibadeau teaches a transmission-reception system (abstract) comprising:
a plurality of transmitters (page 15 lines 21-27 state the invention preferably embodied in a conventional broadcast television cable distribution system. A

traditional broadcast system comprises a head end which receives programming from multiple broadcasters, such as different television networks) configured to transmit digital data including a plurality of useful data (column 4 lines 4-9) as well as first auxiliary data (header) associated with the useful data, wherein the first auxiliary data includes at least one location-specific characteristic parameter (column 6 lines 7-8, column 8 lines 10-18);

a receiver configured to receive the digital data (column 3 lines 61-65), having a location specification unit, in which at least a second location-specific characteristic parameter is specifiable (column 3 lines 61-66, column 4 lines 33-38), wherein the receiver has an output, at which useful data are able to be provided (column 14 lines 46-57), wherein the receiver further comprises:

a feature association unit associating a feature with the useful data, which corresponds to the degree of correlation of the first location-specific characteristic parameter contained in the associated auxiliary data with the second location-specific characteristic parameter (column 14 lines 34-37), characterized in that the feature associated with the useful data allows for dividing the plurality of transmitters in groups of different broadcasting areas, wherein the user is able to select the transmitter(s) desired by him among the groups (column 14 lines 34-40).

Regarding claim 2, when read in light of claim 1, Thibadeau further teaches the second location-specific characteristic parameter corresponds to the

location of installation of the receiver or to a location arbitrarily selected by a user (column 3 lines 61-66, column 4 lines 33-38).

Regarding claim 3, when read in light of claim 1, Thibadeau further teaches second auxiliary data is associated with the useful data, and the receiver includes at least one filter unit, by which the useful data is filterable in view of the second auxiliary data (column 6 lines 30-38).

Regarding claim 4, when read in light of claim 1, Thibadeau further teaches the second auxiliary data are correlated with indications to types of television broadcasts (message content, as taught in the abstract) and/or types of music broadcasts and/or indications to Internet homepages and/or indications to commercials and events.

Regarding claim 5, when read in light of claim 3, Thibadeau further teaches each filter unit can be specified by an operator of the receiver (column 4 lines 46-50).

Regarding claim 6, when read in light of claim 1, Thibadeau further teaches the receiver further comprises a display unit, on which a display correlated with the useful data is presentable (column 14 lines 46-57).

Regarding claim 7, when read in light of claim 6, Thibadeau further teaches the display correlated with the useful data is presentable on the display unit according to the feature associated with the useful data (column 14 lines 46-57).

Regarding claim 8, when read in light of 1, Thibadeau further teaches the feature associated with the useful data contains a statement about whether and where the display correlated with the useful data is presented on the display unit (column 14 lines 46-57).

Regarding claim 9, when read in light of claim 6, Thibadeau further teaches the receiver further comprises an input unit, by which, preferably by cooperating with the display unit, the second location-specific characteristic parameter and/or the specifications of the feature association unit and/or the at least one filter unit are specifiable (column 3 lines 65-66).

Regarding claim 10, when read in light of claim 1, Thibadeau further teaches the digital data is transmitted to the receiver by satellite broadcasting, cable transmission, Internet transmission or terrestrial broadcasting (column 5 lines 28-33, column 7 lines 35-40, 45-48).

Regarding claim 12, when read in light of claim 1, Thibadeau further teaches the useful data comprises audio signals and/or video signals, and especially contains commercials and/or event indications (column 4 lines 4-9).

Regarding claim 13, when read in light of claim 4, Thibadeau further teaches each filter unit can be specified by an operator of the receiver (columns 4 lines 46-50).

Regarding claim 14, Thibadeau teaches a receiver (column 6 lines 30-32) configured to receive digital data (column 3 line 67-column 4 line 9) including a plurality of useful data (header) as well as first auxiliary data (header) associated with the useful data, wherein the first auxiliary data include at least one location-specific characteristic parameter (column 6 lines 7-8, column 8 lines 10-18), comprising a location specification unit, in which at least a second location-specific characteristic parameter is specifiable (column 3 lines 61-66, column 4 lines 33-38), an output, at which useful data is able to be provided (column 14 lines 46-57), a feature association unit associating a feature with the useful data, which corresponds to the degree of correlation of the first location-specific characteristic parameter contained in the associated auxiliary data with the second location-specific characteristic parameter (column 14 lines 34-37, where the degree of correlation is whether or not the broadcast message location designation

intersects the location specified by the user), characterized in that the feature associated with the useful data allows for dividing the plurality of transmitters in groups of different broadcasting areas, wherein the user is able to select the transmitter(s) desired by him (column 14 lines 34-40) among the groups on a display unit (column 10 lines 25-34).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Thibadeau et al (US 5,565,909 A) in view of ETSI TS 102 201 V1.1.1.

Regarding claim 11, when read in light of claim 1, Thibadeau teaches the transmission-reception system according to Claim 1 is taught by ETSI.

Thibadeau does not teach receiver is a DVB receiver.

Regarding limitation "the receiver is a DVB receiver", the Scope section on page 6 section of the ETSI specification teaches the use of a DVB compliant receiver. It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the receiver taught by Thibadeau conform to

DVB standards for the benefit being compatible with data sent using DVB standards, as this standard was widely used at the time the invention was made.

11. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Thibadeau et al (US 5,565,909 A) in view of Ellis et al (US 7,185,355 B1).

Regarding claim 15, Thibadeau teaches a method for transmitting digital data from at least one transmitter to at least one receiver (abstract) including the steps of:

- a) associating first auxiliary data with the useful data to be transmitted, wherein the first auxiliary data includes at least a first location-specific characteristic parameter (column 6 lines 7-8);
 - b) transmitting the useful data and the associated first auxiliary data by at least one transmitter (column 14 lines 39-30);
 - c) receiving the useful data and the associated first auxiliary data by at least one receiver (14) (column 14 lines 39-30);
 - d) in the receiver (14), correlating the first location-specific characteristic parameter contained in the received first auxiliary data with a second location-specific characteristic parameter specified in a location specification unit (40) of the receiver (14) (column 14 lines 34-37);
- according to the degree of correlation, associating a feature with the associated useful data (column 14 lines 34-37)

Thibadeau does not teach the further step of:
dividing the plurality of transmitters in groups of different broadcasting areas based on the feature associated with the useful data, wherein the user is able to select the transmitter(s) desired by him among the groups.

Regarding limitation “dividing the plurality of transmitters in groups of different broadcasting areas based on the feature associated with the useful data, wherein the user is able to select the transmitter(s) desired by him among the groups”, reads on Ellis’ ranking broadcasted programming according to a user's defined preferences (column 8 lines 15-20) and the user then being able to limit which channels can be tuned to based on those results. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the concept of prioritizing and allowing the user to select which items to tune to, as taught by Ellis, with the invention taught by Thibadeau for the benefit of giving the user more flexibility in assigning levels of preference. Moreover, it would give the user a more organized and flexible viewing/listening experience to incorporate those different levels into his defined preferences.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JASMINE STOKELY-COLLINS whose telephone number is (571)270-3459. The examiner can normally be reached on M-Th 8:00-6:30 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hai Tran can be reached on 571-272-7305. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jasmine Stokely-Collins

/Hai Tran/
Supervisory Patent Examiner, Art Unit 4178